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Message Text

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ACTION L-02

INFO OCT-01 ARA-06 EUR-12 ISO-00 SNM-02 JUSE-00 SCA-01

DEAE-00 RSC-01 INR-07 INRE-00 SSO-00 /032 W
---------- 038927
O R 261711Z DEC 74
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 5434
INFO AMCONSUL MARTINIQUE

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E.O. 11652: N/A
TAGS: CGEN, CPRS, PFOR, SNAR, FR, MB
SUBJECT: EXTRADITION - BETTANCOURT, NEWBALL, GOMEZ

REF: STATE 281237 AND PREVIOUS

1. BETWEEN DEPARTMENT, MINISTRY OF JUSTICE, MFA, AND PROCUREUR IN MARTINIQUE, WE NOW ARE THOROUGHLY AT SEA ON EXTRADITION PROCEDURE AND INTERPRETATION OF CONVENTION. BEFORE APPROACHING FRENCH AGAIN ON THIS MAZE, WE NEED TO BE SURE WE UNDERSTAND DEPARTMENT'S POSITION.

2. WE DO NOT FULLY UNDERSTAND DEPARTMENT'S STATEMENT THAT TIME LIMITATION UNDER TREATY HAS ALREADY BEEN MET. STATE 274025 INSTRUCTED EMBASSY TO PRESENT IMMEDIATELY TO GOF DOCUMENTS "REQUISITE TO PERFECT PROVISIONAL ARREST". DEPARTMENT EXPLAINED THAT INDICTMENT AGAINST THREE FUGITIVES WAS EXPECTED TO BE RETURNED O/A DECEMBER 16, AND THAT ADDITIONAL AND AMENDED DOCUMENTS "TO SUPPORT AN EXTRADITION REQUEST BASED UPON THE ANTI-CIPATED INDICTMENT"WOULD BE FORWARDED. WE THEREFORE INTERPRETED DEPARTMENT'S INSTRUCTIONS IN STATE 274025 TO MEAN THAT DOCUMENTS TRANSMITTED BY A-9153 WERE REQUIRED TO SATISFY PROCUREUR'S REQUEST FOR ACCURATE IDENTIFICATION OF FUGITIVES. AS DEPARTMENT INDICATED
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THAT EXTRADITION REQUEST WOULD BE BASED ON INDICTMENT, WE HAVE DELAYED FORMAL REQUEST FOR EXTRADITION PENDING

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RECEIPT OF INDICTMENT AND OTHER DOCUMENTS. OUR NOTE OF DECEMBER 17 IDENTIFIED DOCUMENTS ENCLOSED AS NEEDED "FURTHER TO IDENTIFY THE INDIVIDUALS WHOSE PROVISIONAL ARREST WAS EARLIER REQUESTED AND TO SUPPORT THAT REQUEST FOR PROVISIONAL ARREST AND DETENTION."

3. BEFORE WE AGAIN RAISE THIS MATTER WITH FRENCH, REQUEST DEPARTMENT'S GUIDANCE ON WHAT DOCUMENTS ARE REQUIRED TO SUPPORT A REQUEST FOR EXTRADITION TO U.S. IS WARRANT FOR ARREST SUFFICIENT, OR IS INDICTMENT REQUIRED? WHAT DID THE DEPARTMENT MEAN BY DESCRIBING FIRST SET OF DOCUMENTS AS "REQUISITE TO PERFECT PROVISIONAL ARREST" RATHER THAN REQUIRED TO SUPPORT REQUEST FOR EXTRADITION?

4. IF WE HAVE DEPARTMENT'S ASSURANCE THAT FORMAL REQUEST FOR EXTRADITION CAN BE BASED UPON WARRANT FOR ARREST AND OTHER DOCUMENTS TRANSMITTED A-9153, WE CAN ATTEMPT TO CORRECT THE RECORD HERE BY SUBMITTING NOTE FORMALLY REQUESTING EXTRADITION, NOTING THAT WARRANT FOR ARREST AND AFFIDAVITS WERE PREVIOUSLY SUBMITTED, AND REQUESTING THAT THESE DOCUMENTS, AND THE EMBASSY'S REQUEST, BE FORWARDED TO THE APPROPRIATE AUTHORITIES IN MARTINIQUE AS SOON AS POSSIBLE. HOWEVER, AS FROMONT POINTED OUT, IT WILL BE UP TO PROCUREUR AND CHAMBRE D'ACCUSATION IN MARTINIQUE TO DETERMINE WHETHER FIRST SET OF DOCUMENTS, SECOND SET, OR ALL OF THEM TOGETHER, ARE SUFFICIENT TO JUSTIFY EXTRADITION REQUEST.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION
Control Number: n/a
Copy: SINGLE
Draft Date: 26 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974PARIS30981
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740375-0075
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741210/aaaaaidm.tel
Line Count: 90
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 74 STATE 281237
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2002 by boyleja>; APPROVED <25 MAR 2003 by ShawDG>
Review Markings:

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Review Media Identifier:
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